

117TH CONGRESS  
2D SESSION

# H. R. 9399

To require assessments of opportunities to install and maintain floating photovoltaic solar panels at Corps of Engineers and Bureau of Reclamation projects, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2022

Mr. TONKO (for himself and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require assessments of opportunities to install and maintain floating photovoltaic solar panels at Corps of Engineers and Bureau of Reclamation projects, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2       tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protect Our Waters  
5       and Expand Renewables on Our Reservoirs Act” or the  
6       “POWER Our Reservoirs Act”.

1   **SEC. 2. FLOATING SOLAR ENERGY AT CORPS OF ENGI-**

2                   **NEERS PROJECTS.**

3                   (a) ASSESSMENT.—

4                   (1) IN GENERAL.—The Chief of Engineers  
5                   shall, at Federal expense, conduct an assessment, in  
6                   consultation with the Secretary of Energy, of oppor-  
7                   tunities to install and maintain floating photovoltaic  
8                   solar panels at Corps of Engineers projects.

9                   (2) CONTENTS.—In carrying out paragraph (1),  
10                  the Chief of Engineers shall—

11                  (A) describe the economic, environmental,  
12                  and technical viability of installing and main-  
13                  taining, or contracting with third parties to in-  
14                  stall and maintain, floating photovoltaic solar  
15                  panels at Corps of Engineers projects;

16                  (B) identify Corps of Engineers projects  
17                  with a high potential for the installation and  
18                  maintenance of floating photovoltaic solar pan-  
19                  els, and whether such installation and mainte-  
20                  nance would require additional authorization;

21                  (C) account for potential effects on Corps  
22                  of Engineers projects, and the authorized pur-  
23                  poses of such projects, of installing and main-  
24                  taining floating photovoltaic solar panels at  
25                  such projects, including potential effects related  
26                  to evaporation suppression, energy yield, dam

1           safety, recreation, water quality, and fish and  
2           wildlife;

3           (D) account for potential damage to float-  
4           ing photovoltaic solar panels from weather,  
5           water level fluctuations, and recreational and  
6           other uses of the Corps of Engineers projects;  
7           and

8           (E) account for the availability of electric  
9           grid infrastructure close to Corps of Engineers  
10          projects, including underutilized transmission  
11          infrastructure.

12         (b) REPORT TO CONGRESS.—Not later than 18  
13          months after the date of enactment of this Act, the Chief  
14          of Engineers shall submit to Congress, and make publicly  
15          available (including on a publicly available website), a re-  
16          port containing the results of the assessment conducted  
17          under subsection (a).

18         (c) SUSTAINABILITY REPORTS.—Beginning not later  
19          than 24 months after the date of enactment of this Act,  
20          the Chief of Engineers shall include renewable energy  
21          from floating photovoltaic solar panels as part of any Sus-  
22          tainability Report and Implementation Plan of the Corps  
23          of Engineers.

24         (d) PILOT PROGRAM.—

1                         (1) IN GENERAL.—Not later than 24 months  
2 after the date of enactment of this Act, if supported  
3 by the results of the assessment conducted under  
4 subsection (a), the Chief of Engineers shall establish  
5 a pilot program for the deployment of floating pho-  
6 toovoltaic solar panels at Corps of Engineers projects  
7 identified under paragraph (2)(B) of such subsection  
8 with respect to which any applicable non-Federal in-  
9 terest for the project—

10                         (A) agrees to invest in and deploy floating  
11 photovoltaic solar panels; and

12                         (B) has the authority to enter into agree-  
13 ments, including through public-private partner-  
14 ships, for the purpose of carrying out such ac-  
15 tivities.

16                         (2) COST SHARE.—In carrying out a project  
17 under this subsection, the Chief of Engineers may  
18 cover up to 100 percent of the cost of such project.

19                         (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to the Chief of Engineers  
21 \$12,000,000, to remain available until expended, to carry  
22 out this section.

23                         (f) NO EFFECT ON PROJECT PURPOSES.—Nothing  
24 in this section affects the authorized purposes of a Corps  
25 of Engineers project.

1                   (g) DEFINITIONS.—In this section:

2                   (1) CHIEF OF ENGINEERS.—The term “Chief of  
3                   Engineers” means the Secretary of the Army, acting  
4                   through the Chief of Engineers.

5                   (2) CORPS OF ENGINEERS PROJECT.—The term  
6                   “Corps of Engineers project” means any water re-  
7                   sources development project constructed by the Chief  
8                   of Engineers or for which the Chief of Engineers has  
9                   financial or operational responsibility.

10                  **SEC. 3. FLOATING SOLAR ENERGY AT BUREAU OF RE-  
11                   CLAMATION PROJECTS.**

12                  (a) ASSESSMENT.—

13                  (1) IN GENERAL.—The Commissioner shall, at  
14                  Federal expense, conduct an assessment, in con-  
15                  sultation with the Secretary of Energy, of opportuni-  
16                  ties to install and maintain floating photovoltaic  
17                  solar panels at Reclamation projects.

18                  (2) CONTENTS.—In carrying out paragraph (1),  
19                  the Commissioner shall—

20                   (A) describe the economic, environmental,  
21                   and technical feasibility of installing and main-  
22                   taining, or contracting with third parties to in-  
23                   stall and maintain, photovoltaic solar panels at  
24                   Reclamation projects;

(B) identify Reclamation projects with a high potential for the installation and maintenance of floating photovoltaic solar panels, and whether such installation and maintenance would require additional authorization;

6 (C) account for potential effects on Rec-  
7 lamation projects, and the authorized purposes  
8 of such projects, of installing and maintaining  
9 floating photovoltaic solar panels at such  
10 projects, including potential effects related to  
11 evaporation suppression, energy yield, dam safe-  
12 ty, recreation, water quality, and fish and wild-  
13 life;

14 (D) account for potential damage to float-  
15 ing photovoltaic solar panels from weather,  
16 water level fluctuations, and recreational and  
17 other uses of the Reclamation projects; and

(E) account for the availability of electric grid infrastructure close to Reclamation projects, including underutilized transmission infrastructure.

22 (b) REPORT TO CONGRESS.—Not later than 18  
23 months after the date of enactment of this Act, the Com-  
24 missioner shall submit to Congress, and make publicly  
25 available (including on a publicly available website), a re-

1 port containing the results of the assessment conducted  
2 under subsection (a).

3 (c) PILOT PROGRAM.—

4 (1) IN GENERAL.—Not later than 24 months  
5 after the date of enactment of this Act, if supported  
6 by the results of the assessment conducted under  
7 subsection (a), the Commissioner shall establish a  
8 pilot program for the deployment of floating photo-  
9 voltaic solar panels at Reclamation projects identi-  
10 fied under paragraph (2)(B) of such subsection with  
11 respect to which any applicable non-Federal entity  
12 for the project—

13 (A) agrees to invest in and deploy floating  
14 photovoltaic solar panels; and

15 (B) has the authority to enter into agree-  
16 ments, including through public-private partner-  
17 ships, for the purpose of carrying out such ac-  
18 tivities.

19 (2) COST SHARE.—In carrying out a project  
20 under this subsection, the Commissioner may cover  
21 up to 100 percent of the cost of such project.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to the Commissioner  
24 \$12,000,000, to remain available until expended, to carry  
25 out this section.

1       (e) NO EFFECT ON PROJECT PURPOSES.—Nothing  
2 in this section affects the authorized purposes of a Rec-  
3 lamation project.

4       (f) DEFINITIONS.—In this section:

5           (1) COMMISSIONER.—The term “Commis-  
6 sioner” means the Secretary of the Interior, acting  
7 through the Commissioner of Reclamation.

8           (2) RECLAMATION PROJECT.—The term “Recl-  
9 amation project” means—

10              (A) any reclamation or irrigation project,  
11 including incidental features of the project—

12                  (i) that is authorized by the Federal  
13 reclamation laws;

14                  (ii) that is constructed by the United  
15 States pursuant to the Federal reclamation  
16 laws; or

17                  (iii) in connection with which there is  
18 a repayment or water service contract exe-  
19 cuted by the United States pursuant to the  
20 Federal reclamation laws; or

21              (B) any project constructed by the Sec-  
22 retary of the Interior for the reclamation of  
23 land.

